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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,458	10/27/2003	Shintaro Tsutsui	SONYJP 3.0-079 DIV	2515
530	7590	10/06/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			MILORD, MARCEAU	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/694,458

Applicant(s)

TSUTSUI ET AL

Examiner

Marceau Milord

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1- 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metz et al (US Patent No 5768539) in view of Hurtado et al (US Patent No 6418421 B1) and Emura (US Patent No 6344878 B1).

Regarding claims 1-3, Metz discloses a data receiving and recording method (fig. 1), comprising: receiving (100 of fig. 1 or 145 of fig. 6) data coded by a predetermined method and copyright information on digital copy restrictions attached to the data (col. 5, lines 23-43); and while recording the received data on a predetermined recording medium (col. 7, lines 29-40; col. 25, lines 4-34; col. 9, lines 6-31; col. 10, lines 13-51; col. 12, lines 50- col. 13, line 45).

However, Metz does not specifically disclose the step of causing the copyright information to be recorded for accounting purposes, wherein the data consists of audio data of the song, lyrics data of the song and image data related to the song; the copyright information is

Art Unit: 2682

allotted respectively to the audio data, lyrics data and image data; and the audio, lyrics and image data are recorded on the recording medium and the copyright information allocated to the audio, lyrics and image data is recorded on an IC card; prohibiting recording of the received data if the recording medium is determined to be of a type that does not permit copy restriction processing.

Hurtado et al, on the other hand, discloses a system for tracking usage of digital content on user devices. Electronic stores coupled to a network sell licenses to play digital content data to users. Content players, which receive from the network the licensed content data, are used to play the licensed content data. Additionally, a logging site that is coupled to the network tracks the playing of the content data. In particular, the logging site receives play information from the network, and the play information includes the number of times that the content data has been played by the associated content player. Further, information is transmitted to a logging site whenever the content data is played by the content player or copied from the content player to an external medium so that usage of the licensed content data can be tracked. In addition, digital watermarking also provides the means to identify the origin of authorized or unauthorized copies of content. Since watermarks become an integral part of the content, they are carried in the copies independent of whether the copies were authorized or not (col. 6, lines 6-36; col. 11, lines 7-54; col. 12, lines 5-61; col. 13, line 28- col. 14, line 43).

Emura also discloses a television program schedule information that is recorded, and a plurality of television program recording reservations previously input by a viewer are registered in a reservation storing unit as a plurality of registered television program recording reservations. When an input television program recording reservation for a desired television program newly input by the viewer overlaps with a specific registered television program recording reservation

Art Unit: 2682

for a specific television program, the television program schedule information is searched for a rebroadcast television program having the same contents as those of the desired television program, and a rebroadcast television program recording reservation for the rebroadcast television program is produced on condition that the rebroadcast television program recording reservation does not overlap with any of the registered television program recording reservations, and the rebroadcast television program recording reservation is registered. Accordingly, the same contents as those of the desired television program and the contents of the specific television program can be reliably recorded according to the rebroadcast television program recording reservation and the specific registered television program recording reservation, so that the viewer can entertain the desired television program and the specific registered television program played-back (col. 7, line 19- col. 8, line 35; col. 14, lines 5-67)). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hurtado to the modified system of Hurtado and Metz in order to allow content providers to establish a secure, global distribution system for digital content that protects the rights of content owners.

Regarding claims 4-5, Metz discloses a data receiver (fig. 1) comprising: a receiver (100 of fig. 1 or 145 of fig. 6) for receiving data in which copyright information on digital copy restrictions of the data is multiplexed (col. 5, lines 23-43); a controller for determining whether the copyright information is received by the receiver; and a transmitter for transmitting the data received by the receiver to a predetermined recording apparatus (col. 7, lines 29-40; col. 25, lines 4-34; col. 9, lines 6-31; col. 10, lines 13-51; col. 12, lines 50- col. 13, line 45).

However, Metz does not specifically disclose the features of a controller that records the copyright information on an IC card, wherein the data to be received by the receiver includes audio data of a song, lyrics data of the song and image data related to the song; the copyright information is respectively allotted to the audio data, lyrics data and image data; the controller determines whether the audio data, lyric data and image data are received; and the transmitter transmits the copyright information allotted audio data, lyrics data and image data as information attached respectively to the audio data, lyrics data and image data, wherein the controller prohibits transmission from the transmitter to the recording apparatus if the controller determines that recording apparatus connected to the transmitter is of a type that does not permit copy restriction prohibition.

Hurtado et al, on the other hand, discloses a system for tracking usage of digital content on user devices. Electronic stores coupled to a network sell licenses to play digital content data to users. Content players, which receive from the network the licensed content data, are used to play the licensed content data. Additionally, a logging site that is coupled to the network tracks the playing of the content data. In particular, the logging site receives play information from the network, and the play information includes the number of times that the content data has been played by the associated content player. Further, information is transmitted to a logging site whenever the content data is played by the content player or copied from the content player to an external medium so that usage of the licensed content data can be tracked. In addition, digital watermarking also provides the means to identify the origin of authorized or unauthorized copies of content. Since watermarks become an integral part of the content, they are carried in the

Art Unit: 2682

copies independent of whether the copies were authorized or not (col. 6, lines 6-36; col. 11, lines 7-54; col. 12, lines 5-61; col. 13, line 28- col. 14, line 43).

Emura also discloses a television program schedule information that is recorded, and a plurality of television program recording reservations previously input by a viewer are registered in a reservation storing unit as a plurality of registered television program recording reservations. When an input television program recording reservation for a desired television program newly input by the viewer overlaps with a specific registered television program recording reservation for a specific television program, the television program schedule information is searched for a rebroadcast television program having the same contents as those of the desired television program, and a rebroadcast television program recording reservation for the rebroadcast television program is produced on condition that the rebroadcast television program recording reservation does not overlap with any of the registered television program recording reservations, and the rebroadcast television program recording reservation is registered. Accordingly, the same contents as those of the desired television program and the contents of the specific television program can be reliably recorded according to the rebroadcast television program recording reservation and the specific registered television program recording reservation, so that the viewer can entertain the desired television program and the specific registered television program played-back (col. 7, line 19- col. 8, line 35; col. 14, lines 5-67)). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hurtado to the modified system of Hurtado and Metz in order to allow content providers to establish a secure, global distribution system for digital content that protects the rights of content owners.

Regarding claims 7-9, Metz discloses a data receiver (fig. 1) comprising: means for receiving data (100 of fig. 1 or 145 of fig. 6) in which copyright information on digital copy restrictions is multiplexed (col. 5, lines 23-43); and means for determining whether the copyright information is received by the receiver (col. 7, lines 29-40; col. 25, lines 4-34; col. 9, lines 6-31; col. 10, lines 13-51; col. 12, lines 50- col. 13, line 45).

However, Metz does not specifically disclose a means for transmitting the data received by the receiver to a predetermined recording apparatus, wherein the controller records the copyright information on an IC card, wherein the data to be received includes audio data of a song, lyrics data of the song and image data related to the song; the copyright information is respectively allotted to the audio data, lyrics data and image data; the means for determining determines whether the audio data, lyric data and image data are received; and the means for transmitting transmits the copyright information allotted audio data, lyrics data and image data as information attached respectively to the audio data, lyrics data and image data, wherein the means for determining prohibits transmission from the transmitter to the recording apparatus upon determining that recording apparatus connected to the transmitter is of a type that does not permit copy restriction prohibition.

Hurtado et al, on the other hand, discloses a system for tracking usage of digital content on user devices. Electronic stores coupled to a network sell licenses to play digital content data to users. Content players, which receive from the network the licensed content data, are used to play the licensed content data. Additionally, a logging site that is coupled to the network tracks the playing of the content data. In particular, the logging site receives play information from the network, and the play information includes the number of times that the content data has been



Art Unit: 2682

played by the associated content player. Further, information is transmitted to a logging site whenever the content data is played by the content player or copied from the content player to an external medium so that usage of the licensed content data can be tracked. In addition, digital watermarking also provides the means to identify the origin of authorized or unauthorized copies of content. Since watermarks become an integral part of the content, they are carried in the copies independent of whether the copies were authorized or not (col. 6, lines 6-36; col. 11, lines 7-54; col. 12, lines 5-61; col. 13, line 28- col. 14, line 43).

Emura also discloses a television program schedule information that is recorded, and a plurality of television program recording reservations previously input by a viewer are registered in a reservation storing unit as a plurality of registered television program recording reservations. When an input television program recording reservation for a desired television program newly input by the viewer overlaps with a specific registered television program recording reservation for a specific television program, the television program schedule information is searched for a rebroadcast television program having the same contents as those of the desired television program, and a rebroadcast television program recording reservation for the rebroadcast television program is produced on condition that the rebroadcast television program recording reservation does not overlap with any of the registered television program recording reservations, and the rebroadcast television program recording reservation is registered. Accordingly, the same contents as those of the desired television program and the contents of the specific television program can be reliably recorded according to the rebroadcast television program recording reservation and the specific registered television program recording reservation, so that the viewer can entertain the desired television program and the specific registered television program

Art Unit: 2682

played-back (col. 7, line 19- col. 8, line 35; col. 14, lines 5-67)). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hurtado to the modified system of Hurtado and Metz in order to allow content providers to establish a secure, global distribution system for digital content that protects the rights of content owners.

#### Response to Arguments

2. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

#### Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2682

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

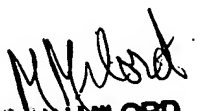
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCEAU MILORD

Marceau Milord

Primary Examiner

Art Unit 2682

  
MARCEAU MILORD  
PRIMARY EXAMINER